

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No.: 08-97-JJF
	:	
MICHAEL LINDSEY,	:	
	:	
Defendant.	:	

**MOTION TO WITHDRAW COUNSEL
AND REQUEST FOR APPOINTMENT OF NEW COUNSEL**

Counsel for Michael Lindsey, Eleni Kousoulis, hereby moves the Court for an order allowing counsel to withdraw, and, thereafter, for an Order appointing new counsel to represent Mr. Lindsey. Counsel submits the following in support thereof:

1. On June 10, 2008, the Federal Public Defender's Office was appointed to represent Mr. Lindsey.
2. Counsel recently became aware that a conflict exists between Mr. Lindsey's case and another case currently being handled by the Federal Public Defender's Office. The defendant in the other case is currently scheduled for trial in November, 2008. Counsel has been representing the other defendant for approximately one and a half years, and substantial time and effort has already been expended in preparation for trial in that case.
3. In light of the foregoing, Counsel believes that an ethical conflict of interest has been created which calls for the withdrawal of any member of the Federal Public Defender's Office as attorney for Mr. Lindsey. See MRPC Rule 1.7.

4. Special Assistant United States Attorney Joseph Grubb was informed by defense counsel of the conflict of interest that has arisen, and he has no objection to defense counsel's motion to withdraw as counsel for Mr. Lindsey.

5. At present, this case has pre-trial motions pending. No date for an evidentiary hearing in this case has yet been set. A scheduling conference in this case is currently set for August 13, 2008 at 11:30 a.m.

WHEREFORE, Counsel respectfully requests for this Court to withdraw as counsel for Mr. Lindsey any member of the Federal Public Defender's Office, and to appoint substitute counsel from the CJA Panel.

Respectfully submitted,

/s/ Eleni Kousoulis
Eleni Kousoulis, Esquire
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Attorney for Defendant Michael Lindsey

DATED: August 11, 2008

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
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Plaintiff,	:	
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MICHAEL LINDSEY,	:	
	:	
Defendant.	:	

ORDER

On this _____ day of _____, 2008, Counsel's Motion to Withdraw as Counsel for Michael Lindsey is HEREBY GRANTED. The Clerk of the Court is directed to appoint new counsel for Michael Lindsey pursuant to the Criminal Justice Act.

The Honorable Joseph J. Farnan, Jr.
United States District Court